25.3.5; 23b (משנה ד]) ← 25a (שבועה שלא אכל [משנה ד]) → (כגון שאישן ושלא אישן לא קתני)

I **משנה ד'**: ingesting inedibles vs. ingesting forbidden foods
- a *If*: he took an oath not to eat
  - i *And*: ate dirt – not liable
  - ii *But if he ate*: forbidden foods – liable
    - 1 *Dissent (ר"ש)*: exempts
- b *In parallel*: if he took an oath (e.g. to ban his wife from הנאה of his property) if he had eaten – and he had (only) eaten forbidden foods, the ban is valid
  - i *Resolution1*: in the רישא, he said "לא אוכל" without explication – only proper foods included
    - 1 *But*: in the סיפא, he explicated נבילות, טריפות etc.
      - (a) *Challenge*: such an oath is invalid, as he is already under oath from הר סיני to avoid נבלות etc.
      - (b) *Solution1 (ר' יוחנן, רב ושמואל)*: if he foreswears permitted and forbidden things
      - (c) *Solution2 (ר"ל)*: if he explicates an amount <כזית (לרבנן) or states unexplicated (ר"ע – that a person may generate an איסור אכילה of minimal amount)
    - 2 *Analysis1*:
      - (a) *ר"י*: prefers to maintain משנה as a consensus (not just ר"ע)
      - (b) *ר"ל*: including permitted items is ineffective – the notion of איסור חל על איסור באיסור כולל only applies when the second איסור comes of its own accord, not generated by a person (e.g. יוה"כ on נבילה)
    - 3 *Analysis2*:
      - (a) *ר"ל*: we understand why ר"ש exempts – he requires כזית for a קרבן (מכות ג:ב)
      - (b) *ר"י*: ר"ש exempts because he rejects איסור כולל - exempts for eating נבילה on יוה"כ (only liable for נבילה)
    - 4 *Analysis3*:
      - (a) *ר"ל*: this oath is reversible (לאו כהן – could obligate himself to eat a כ"ש of נבילה, not banned (מה"ת)
      - (b) *ר"י*: oath isn't reversible – how is it valid? (ר' יוחנן's suggestion is rejected)
  - ii *Resolution2*: as per רבא – only eating dirt, which is inedible, isn't considered אכילה; not true about נבילות
    - 1 *Suggestion (ר' מרי)*: support from end of משנה - eating נבילות is considered "אכילה" (unlike dirt)
      - (a) *Block*: in that case, he already ate and then took the נדר, contingent on eating; here; he has accorded it significance; who is to say that he considers נבילה when he takes the oath about the future?

II **רבא**: discussion about איסור כולל in the context of שבועות ביטוי
- a *Explanation*: approach that accepts איסור כולל – similar to איסור מוסיף (e.g. אלמנה that became גרושה – all agree to validity)
  - i *And*: one who rejects it distinguishes – איסור מוסיף is within one object; איסור כולל expands to other objects
- b *Ruling*: (למ"ד איסור כולל) one makes an oath covering תאנים, then another covering תאנים וענבים – תאנים bound by both
  - i *Challenge*: this is obvious
  - ii *Defense*: סד"א that איסור כולל only applies to a self-generated איסור not one made by participant – קמ"ל
    - 1 *Challenge*: ruling that one act of eating could generate liability for 4 חטאות and 1 אשם:
      - (a) *If*: a טמא (ח1) eats חלב (ח2) which is נותר (ח3) from מוקדשין (אשם מעילות) (ח4) on יוה"כ
      - (b) *ר"מ*: add a fifth חטאת – if it was שבת and he took it out to רה"ר in his mouth
        - (i) *Rejection*: that isn't generated by the act of eating
      - (c) *Explanation*: if איסור כולל works here, he could've made an oath against תמרים וחלב – 5th חטאת
        - (i) *Defense1*: rulng only covered "organic" איסורים, not generated by people
          - 1. *Challenge*: the הקדש was also generated by people
          - 2. *Answer*: הקדש might be בכור – who is קדוש מבטן
        - (ii) *Defense2*: allow for a generated איסור – but not one that can be revoked (נשאלין על השבועה)
          - 1. *Challenge*: הקדש can also be revoked
          - 2. *Answer*: we already established that the הקדש here is בכור – irrevocable קדושה
        - (iii) *Defense3*: חטאות listed here are all חטאת קבועה – not עולה ויורד
          - 1. *Challenge*: עולה יורד is טמא שאלה את הקדשים
          - 2. *Answer*: may be the case of a נשיא, per ר"א (הוריות) – he brings a חטאת קבועה (שעירה)
        - (iv) *Defense4 (ר' אשי)*: only applies to איסורים that have a minimal שעור; שבועה could apply to כ"ש
          - 1. *Challenge*: הקדש applies to a minimal amount
          - 2. *Answer*: it also has a שעור – ש"פ
        - (v) *Defense5 (ר' אשי מאוריא)*: list of חטאות only includes cases where כרת =בזדון; לאו is a שבועת ביטוי
        - (vi) *Defense6 (רבינא)*: list of violations only applies to edibles; שבועה may apply to non-edibles
          - 1. *Challenge*: הקדש applies to non-edibles
          - 2. *Rather*: list only includes איסורים that attach to tangibles; שבועות may apply to intangibles